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United States Attorney **2006 APR 27 P 2:10**
District of Massachusetts

U.S. DISTRICT COURT
DISTRICT OF MASS.

Main Reception: (413) 785-0235
Fax: (413) 785-0394

Federal Building & Courthouse
Main Street, Room 310
Springfield, Massachusetts 01103

April 27, 2006

Michael L. Foy, Esq.
935 Main Street, Suite 203
Springfield, MA 01103

Lori H. Levinson, Esq.
66 West Street
Pittsfield, MA 01201

Re: United States v. Frank Depergola, et al.
Criminal No. 05-30002-MAP

Dear Attorneys Foy and Levinson:

In accordance with the government's continuing discovery obligations pursuant to Local Rule 116.1(C), 116.2(B), Fed. R. Crim. P. 16(a)(1), 18 U.S.C. § 3500 and F.R. Evid. 701 through 705 I am providing you with the following information and materials.

Enclosed are FBI 302's bates numbered 00001 through 00258. Also enclosed is a copy of the grand jury testimony of Leo Daniele on November 18, 2003 which is bates numbered 00259 through 00342.

Further, enclosed is a copy of the state grand jury testimony of Frank DePergola which is bates numbered 00343 through 00402 as well as a four page Springfield Police Department report dated November 23, 2003 regarding statements made by Frank Depergola which is bates numbered 00403 through 00406.

Enclosed find a one page FBI 302 dated March 29, 2001 regarding statements by Glen Altro which is bates numbered 00407.

On or about February 9, 2004, Leo Daniele was arrested for, among other things, possession of a firearm without a permit. He

was subsequently indicted in Hampden County Superior Court, convicted and sentenced to one year in jail. Based upon that conviction, after his testimony at trial, Daniele will be deported to Italy. A copy of the police report regarding the firearms arrest is enclosed and bates numbered 00593 through 00596. Leo Daniele has an open default warrant based on a failure to pay restitution during probation as reflected in his criminal history which is enclosed and bates numbered 00408 through 00428. While Daniele was in custody, a fellow inmate reported that Daniele told the inmate that Daniele killed Al Bruno. Daniele denied involvement in the Bruno murder on August 4, 2004, as set forth in an FBI 302 bates numbers 00244 through 00246. On August 23, 2004, an FBI polygraph was conducted on Daniele. A one page polygraph report is enclosed and is bates numbered 00429.

To date, the FBI has paid Leo Daniele a total of \$126,162.66 in expenses and subsistence.

Leo Daniele told the FBI that he made unauthorized sports wagers in 2001 as reflected in an FBI 302 dated August 4, 2004, which is enclosed at bates numbers 00245 and 00246.

On April 10, 2003, Leo Daniele filed a false police report with the Springfield Police Department in which he claimed to be the victim of an armed robbery. On May 15, 2003, Daniele told the FBI that he actually was attempting to purchase oxycontin as set forth at bates numbers 00230 and 00231.

On February 11, 2002 Leo Daniele, while consensually videotaping a meeting, showed a firearm to David Cecchetelli but denied to the FBI that he was in possession of a firearm. On February 12, 2002, Daniele admitted to the FBI that he had a firearm the previous day and turned the firearm over to the FBI. The FBI 302's are enclosed and are bates numbered 00120 and 00121.

As set forth in the February 27, 2002, FBI 302 bates numbered 00125, Leo Daniele was driving with a suspended driver's license.

The FBI 302 dated June 9, 1999, which contains bates numbers 00001 through 00008, Leo Daniele had referred several bettors to individuals who accepted illegal sports wagers. Further, the same report states that Leo Daniele directed people who needed to borrow money to members of organized crime.

As set forth in the FBI 302 dated January 23, 2004, bates

numbers 00237 through 00240 Leo Daniele arranged a loanshark loan for Stephen Verducci. The government may call Stephen Verducci as a witness at trial. The government will attempt to introduce into evidence pursuant to F.R. Evid. 404(b) loanshark loans Verducci obtained from Frank DePergola which were collected by Armando Botta. Verducci was provided a proffer letter on January 6, 2004, a copy of which is enclosed as bates numbers 00430 through 00431.

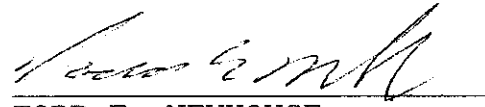
The government obtained Court authorization to install a GPS tracking device on Armando Botta's car on December 7, 2001. Further, the government obtained pen register orders for Armando Botta's cellular telephone between January of 2001 and March of 2002. The government will offer into evidence summary charts pursuant to F.R.Evid. 1006 which demonstrate the location of Botta's car and telephone calls made to/from Botta's telephone on relevant dates. The original pen register and GPS results as well as the summary charts will be available for inspection at a mutually convenient time.

Please feel free to call me at (413) 785-0235 if you have any questions about the above information.

Very truly yours,

MICHAEL J. SULLIVAN
United States Attorney

By:



TODD E. NEWHOUSE
Assistant U.S. Attorney

Enclosures

cc: ~~B~~ethany Healy,
Courtroom Clerk
Hon. Kenneth P. Neuman
United States Magistrate Judge
(w/o enclosures);